

Notice of Allowability

Application No.

09/911,898

Examiner

Michelle R. Connelly-Cushwa

Applicant(s)

DAMASK, JAY N.

Art Unit

2874

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment filed September 30, 2003.
2. ☒ The allowed claim(s) is/are 1-3 and 6-46.
3. ☒ The drawings filed on 24 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

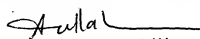
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none">1 <input type="checkbox"/> Notice of References Cited (PTO-892)3 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>0703</u>.7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none">2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance9 <input type="checkbox"/> Other |
|--|--|


AKM ENAYET ULLAH
PRIMARY EXAMINER

DETAILED ACTION
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen R. Witt on October 23, 2003.

The application has been amended as follows:

Claim 6, line 1, "claim 5" has been changed to --claim 7--;

Claim 7, line 6, --and--has been inserted after "collimator";

Claim 13, line 2, "element" has been changed to --assembly--; and

Claim 13, line 3, "element" has been changed to --assembly--.

Response to Amendment

Applicant's Amendment filed September 30, 2003 has been fully considered and entered.

Applicant's remarks, see page 11, filed September 30, 2003, with respect to claims 1-3 and 6-46 have been fully considered and are persuasive. The rejections of claims 13-19 under 35 U.S.C. 112; of claims 1-3, 10-12, 21-26 and 34 under 35 U.S.C. 102 over Cao; of claims 6, 13, 14, 28, 32 and 33 under 35 U.S.C. 103 over Cao; and of claims 35, 36 and 46 under 35 U.S.C. 103 over Bismuth have been withdrawn.

Information Disclosure Statement

The prior art documents submitted by applicant in the Information Disclosure Statement filed on July 15, 2003 have all been considered and made of record (note the attached copy of form PTO-1449).

Allowable Subject Matter

Claims 1-3 and 6-46 are allowed.

Conclusion

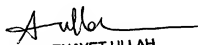
Any inquiry concerning the merits of this communication should be directed to Examiner Michelle R. Connelly-Cushwa at telephone number (703) 305-5327. The examiner can normally be reached 9:00 AM to 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on 703-308-4819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general or clerical nature should be directed to the Technology Center 2800 receptionist at telephone number (703) 308-0956.

MRCC

Michelle R. Connelly-Cushwa
Patent Examiner
October 23, 2003


AKM ENAYET ULLAH
PRIMARY EXAMINER